

Exhibit O

**To the Declaration of Benjamin Kleinman
In Support of Kelora's Opposition to
Defendants' Claim Construction Brief
and Motion for Summary Judgment of
Invalidity and Non-Infringement**

1 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

2 MARSHALL DIVISION

3)
PARTSRIVER, INC.,)

4 Plaintiff,,)
)

5 v.)

) CASE NO. 2-07-CV-440 DF

6 SHOPZILLA, INC., YAHOO!)
INC.; PRICEGRABBER.COM,)
7 INC.; EBAY, INC.; and)
MICROSOFT CORPORATION,)

8 Defendants.)

9

10 *****

11 ORAL AND VIDEOTAPED DEPOSITION OF

12 SHERIF DANISH

13 VOLUME 1

14 JANUARY 20, 2009

15 *****

16 ORAL AND VIDEOTAPED DEPOSITION OF SHERIF DANISH,

17 produced as a witness at the instance of the DEFENDANTS,

18 and duly sworn, was taken in the above-styled and

19 numbered cause on the 20th day of January, 2009; from

20 9:07 a.m. to 5:02 p.m., before Julie C. Brandt, RMR,

21 CRR, and CSR in and for the State of Texas, reported by

22 machine shorthand, at the offices of Fulbright &

23 Jaworski, 2200 Ross Avenue, Suite 2800, Dallas, Texas,

24 pursuant to the Federal Rules of Civil Procedure and the

25 provisions stated on the record or attached hereto.

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1 like you receive information that you display or that
2 you do something with.

3 MR. ZEMBEK: Could you read back his
4 answer, please?

5 I just wanted to hear your answer again.

6 Sorry.

7 (Requested portion was read.)

8 Q. How is accepting accomplished in claim 14?

9 A. In claim 14?

10 Q. Yes.

11 A. Okay. Can you say the question again for
12 claim 14?

13 Q. How is accepting accomplished?

14 A. Accepting is accomplished by obtaining an HTTP
15 request.

16 Q. Does a client receive an HTTP request?

17 A. I'm sorry?

18 Q. Does a client receive an HTTP request?

19 A. No. It's the server that receives an HTTP
20 request.

21 Q. Okay. The claim language says that the steps
22 of displaying the feature screen, accepting said
23 selected alternatives and revising said feature screen
24 are executed on a client. What does it mean to accept a
25 selected alternative on a client?

1 A. It means that the user clicks a value but that
2 this value is sent to the server because the client
3 alone cannot do anything like the display -- because it
4 says further -- you know, just to finish the sentence,
5 there is in displaying -- and it says, in displaying the
6 browser can only display what it receives. So what it
7 receives -- the essence of the information is actually
8 coming from the server for the display and going to the
9 server for the acceptance, if this is your question.

10 Q. No, that wasn't my question. I'm sorry.

11 My question is: What does it mean when you
12 say, "accepting said selected alternative being executed
13 on a client"?

14 A. I am not sure. I need to read the rest of the
15 claims just to see the context in which this claim is
16 written.

17 Q. Okay. Go ahead. Claim 14 just appends from
18 claim 1, just for point of reference.

19 A. Okay. I'm just trying to understand -- to
20 remember the reason for claim 14 versus claim 1.

21 Q. Okay.

22 A. I believe it is related to an option of
23 sending a feature screen code, but I will have to read
24 the specifications again to remember that part of this
25 feature screen code and how it relates to this.

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11 REPORTER'S CERTIFICATION

12 DEPOSITION OF SHERIF DANISH, VOLUME 1

13 JANUARY 20, 2009

14

15 I, Julie C. Brandt, Certified Shorthand Reporter in

16 and for the State of Texas, hereby certify to the

17 following:

18 That the witness, SHERIF DANISH, was duly sworn by

19 the officer and that the transcript of the oral

20 deposition is a true record of the testimony given by

21 the witness;

22 That the deposition transcript was submitted on

23 _____ to the witness or to the attorney

24 for the witness for examination, signature and return to

25 Merrill Legal Solutions by _____;

1 That the amount of time used by each party at the
2 deposition is as follows:

3 MR. ZEMBEK.....05 HOUR(S):40 MINUTE(S)

4 MR. CEDEROTH.....00 HOUR(S):00 MINUTE(S)

5 MR. TOMASULO.....00 HOUR(S):00 MINUTE(S)

6 MS. DeRIEUX.....00 HOUR(S):00 MINUTE(S)

7 MR. COYKENDALL.....00 HOUR(S):00 MINUTE(S)

8 That pursuant to information given to the
9 deposition officer at the time said testimony was taken,
10 the following includes counsel for all parties of
11 record:

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6 That \$_____ is the deposition officer's
7 charges to the Defendant Yahoo! Inc. for preparing the
8 original deposition transcript and any copies of
9 exhibits;

10 I further certify that I am neither counsel for,
11 related to, nor employed by any of the parties or
12 attorneys in the action in which this proceeding was
13 taken, and further that I am not financially or
14 otherwise interested in the outcome of the action.

15 Certified to by me _____, 2009.

16

17

18

19

Julie C. Brandt, CSR, RMR, CRR

20 Texas CSR No. 4018

Expiration Date: 12/31/10

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